UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/C.12/Q/CZE/1
18 May 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Pre-sessional Working Group
14-18 May 2001

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the initial report of the Czech Republic concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.47)

I. GENERAL INFORMATION

A. Information of a general character

1. Please explain whether the division of the country into self-governing districts and municipalities has had an impact on the implementation of the Covenant throughout the country.

B. General legal framework within which human rights are protected

2. Please cite case law on how the Constitutional Court applies the Covenant by virtue of article 10 the Constitution.

3. Given that most but not all of the rights and obligations arising from the Covenant are part of the Charter of Fundamental Rights and Freedoms ("the Charter"), please illustrate where the Charter differs from the Covenant.

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4. Please explain how the function of the Office of the Public Protector, created in 1999, has impacted upon the implementation of the Covenant.

C. Information and publicity concerning the rights covered by the Covenant

5. Please provide additional information on the measures taken to inform the public at large, and civil servants, in particular judges, lawyers, administrators and those associated with economic policies, of the provisions of the Covenant.

6. Please give additional information on the participation of NGOs in the preparation of the State party's report.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (2) - Non-discrimination

7. Please explain why the amendment to the Employment Act, forbidding discrimination on the basis of race, colour, sex, sexual orientation, language, faith or religion, and political or other conviction, refers only to citizens and not to all residents including lawful refugees and immigrants. How does this provision conform to article 2 (2) of the Covenant?

8. Article 25 of the Charter restricts the rights of minorities to develop their own culture, receive information in their native language, associate in national associations, study in their own language and use their own language in official contacts with citizens. How does this restriction conform to the Covenant?

9. Former citizens of the Czech and Slovak Federal Republic who became citizens of the Slovak Republic as of 1 January 1993 can now apply for citizenship of the Czech Republic, but the process for application for citizenship is very demanding financially and cumbersome administratively, in particular for vulnerable groups. How does the State party envisage rectifying this form of discrimination?

Article 3 - Equality between men and women

10. Please explain what measures have been taken by the State party to ensure the enjoyment of the right to education by girls, in view of the State party's restriction on access to education for girls in certain technical fields.

11. The State party is endeavouring to give effect to the principle of equal pay for work of equal value, regardless of gender. Please explain the status of these efforts in law and practice against the backdrop of continuing differences in pay for women and men.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6 - The right to work

12. The right to work, as spelled out in the Employment Act, section 1, paragraph 3, is restricted to citizens. How does this provision conform to article 2 (2) of the Covenant?

13. What is the rate of unemployment in the country and how is it related to the new economic policies of privatization?

14. The amendment to the Employment Act that took effect in October 1999 made the conditions for employment of foreigners more restrictive in terms of duration. If a foreigner has been employed for three years, a new permit can be issued only after 12 months have elapsed. Please explain why the State party is increasing rather than decreasing restrictions on foreign workers.

15. Members of the Roma minority have great problems in the labour market and suffer from extremely high unemployment. Is the State party taking effective measures to combat this discrimination and what are the results of actions already taken, if any?

16. Unemployment among persons with disabilities is increasing in the State party despite the requirements of the new Employment Act, which obliges employers to employ a certain percentage of persons with disabilities. What is the State party doing to assist this vulnerable group in finding employment?

Article 7 - The right to just and favourable conditions of work

17. Please explain how the minimum wage is determined.

Article 8 - Trade union rights

18. Article 27 of the Charter provides for the right to associate in trade unions and to exercise the right to strike. Please provide information on whether the Collective Bargaining Act restricts the right to strike and on how labour disputes are resolved.

Article 10 - Protection of the family, mothers and children

19. Are marriages of religious minorities, concluded in their own places of worship, recognized under the Family Act?

20. What is the extent of the incidence of violence against women inside and outside of the home? What legal protection exists in this regard? Please provide information on the measures taken by the State party to assist women victims of violence, in particular with regard to provision of temporary shelters and the prosecution of perpetrators of violence.

21. Please provide information on the measures taken to prevent trafficking of women and to combat organized prostitution and sexual exploitation of women and children.

Article 11 - Right to an adequate standard of living

22. The right to housing is not explicitly defined or guaranteed in the State party's legal system, including the Charter. The State party views the right to housing as a mere declaratory non-entitlement right and does not entail the guarantee of adequate housing to everyone. Please explain how this is in accordance with article 11 of the Covenant and the Committee's General Comment No. 4.

23. According to non-governmental organizations, there are about 100,000 homeless persons in the Czech Republic who depend on charity. Please indicate whether official intervention to ameliorate their situation is envisaged.

24. Please explain what measures have been taken by the State party to provide adequate housing in view of the information that 6 per cent of the population live in housing lacking basic amenities.

25. Please provide additional information on the efforts taken by the State party to provide housing to asylum-seekers.

26. Please provide additional information on forced evictions, citing numbers and situations when it is applied.

Article 12 - Right to health

27. Cardiovascular disease is the primary cause of death in the State party and responsible for 56 per cent of all deaths. Cancer is the second biggest killer responsible for 25 per cent of all deaths. Despite all efforts the incidence of these two principal causes of death is increasing by roughly 2 per cent annually. Please indicate what steps the State party is taking to reverse this trend.

28. Please indicate what effective measures, if any, are being introduced to combat the increasing phenomenon of smoking and alcohol consumption in the State party.

29. Please indicate what effective measures are being introduced to combat drug addiction, especially among persons between 15 to 19 years.

Article 13 - Right to education

30. Please explain what assistance is given to non-citizens who do not enjoy the right to free elementary and secondary education.

31. Children of parents belonging to ethnic minorities who are citizens of the State party are guaranteed education in their native languages up to the level of secondary education. Which minorities are entitled to have their children study in their own native languages and why is this right extended only to children whose parents are citizens?

32. Please explain why the number of Roma students is high in special schools for lower than average students. What is the nature of the psychological examinations that they are subjected to when they are transferred to these special schools?

Article 15 - Right to take part in cultural life

33. Please discuss the policy for minority groups in relation to their enjoyment of the right to take part in cultural life.